IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25284 of 2004

Between:

1 Vellanki Appa Rao, S/o. Nargaraju,
R/o Vakatippa village, Kothapalli(M), E.G.district.
2 Yalli Babu Rao, S/o. Late Sri Narayya,
R/o Yandavi (V) , Kothapalli(M) E.G.district.

..... PETITIONERS

AND

1 District Collector, Kakinada, E.G.District.
2 Revenue Divisional Officer Kakinada, East Godavari District.
3 The Executive Officer Sri Madana Gopala Swamy Temple, Uppada, E.G.District
4 The Asst. Commissioner , Endowment Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents to evict us from the lands in question, as illegal and arbitrary and against the principles of natural justice.

Counsel for the Petitioner: SMT.M.VINOBHA DEVI

Counsel for the Respondents: GP FOR ENDOWMENTS and Smt N.Indrani, Standing Counsel

The Court made the following :

ORDER:

Petitioners 1 and 2 claim to be the cultivating tenants of the lands belonging to Sri Madana Gopala Temple
in Survey Nos.29/1 and 26/2 respectively of Uppada Village, East Godavari District. Their grievance is that even while they are continuing as tenants, the lands are acquired for the purpose of providing house sites to the poor. Several contentions are urged on behalf of the petitioners.

Heard the learned counsel for the petitioners, the learned Government Pleader for Endowments and the learned Standing Counsel for the Temple.

Even according to the petitioners, the lands under their cultivation have been acquired by the Government. In this writ petition, the petitioners have not challenged the proceedings through which the lands are acquired. Therefore, it is impermissible for this Court to decide the validity or otherwise of the acquisition.

Hence, the writ petition is dismissed, leaving it open to the petitioners to challenge the proceedings initiated under the Land Acquisition Act, if they feel aggrieved. There shall be no order as to costs.

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18.02.2005

Jsu

To

1 District Collector, Kakinada, E.G.District.
2 Revenue Divisional Officer Kakinada, East Godavari District.
3 The Executive Officer Sri Madana Gopala Swamy Temple,

Uppada, E.G.District
4 The Asst. Commissioner , Endowment Rajahmundry, East

Godavari District.

5 2 CCs to the G.P. for Endowments, High Court Buildings,

Hyderabad. (OUT)

6 2 CD copies.